

**NO. A16-0633**

---

*State of Minnesota*

*In Court of Appeals*

---

**In the Matter of the Rental Dwelling Licenses Held by Mahmood Khan**

Mahmood Khan,

*Relator,*

vs.

Minneapolis City Council,

*Respondent.*

---

**RESPONDENT'S BRIEF**

---

SUSAN L. SEGAL (#0137157)  
Minneapolis City Attorney

Lee C. Wolf (#0252505)  
Assistant Minneapolis City Attorney  
350 South Fifth Street  
Room 210  
Minneapolis, MN 55415  
(612) 673-2359

EDWARD F. ROONEY (#9321X)  
100 North Sixth Street, Suite 550A  
Minneapolis, MN 55403  
(612)-285-7621

*Counsel for Respondent*

*Counsel for Relator*

due process of law. A government entity must provide a person with a means to challenge the state's action before depriving them of a property interest. *Humenansky v. Minn. Bd. Of Med. Examiners*, 525 N.W.2d 559, 565 (Minn. App. 1994), review denied (Minn. Feb. 14, 1995). To determine whether a city has violated a person's right to procedural due process, courts conduct a two-step analysis. *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632 (Minn.2012). Courts must first identify whether the government deprived an individual of a protected life, liberty, or property interest. *Id.* Secondly, if the individual was deprived of a life, liberty, or property interest the court must determine whether the procedures followed by the government were constitutionally sufficient. *Id.*

In the present case Relator's interest was his right to continue to rent his forty two properties in the City of Minneapolis as rental properties which would constitute a protected life, liberty, or property interest.

Next, pursuant to *Sawh*, in determining whether the procedures followed by the City were sufficient, the court should apply the three factor test set out in *Mathews v. Eldridge*, 424 U.S. 313, 96 S.Ct. 893 (1976), which requires inquiry into (1) the nature of the interest, (2) the risk of an erroneous deprivation given the procedures that were followed, and (3) the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. The procedures set by the government must provide a person with notice and an opportunity to be heard. *Mathews*, 424 U.S 313 at 333, 96 S.Ct. 893.